



**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK**

UNITED STATES OF AMERICA

V.

**3:08-CR-329
(TJM)**

ARTHUR R. BESANSON.,

DEFENDANT.

ORDER

The above-captioned defendant was indicted on June 19, 2008 by a grand jury in the Northern District of New York and charged with one count of Failure to Register, pursuant to the Sex Offender Notification and Registration Act, in violation of 18 U.S.C. § 2250.

On July 11, 2008 Melissa A. Tuohey, Assistant Federal Defender, was assigned to represent the defendant.

On October 3, 2008 the defendant filed a motion to dismiss the indictment, citing numerous grounds for relief.

On October 6, 2008 the Court issued a Notice of Hearing on the Motion, placing the motion on the Court's November 10, 2008 motion calendar in Albany, and directing that the government's response to the motion be filed by October 24, 2008, with any reply to the response to be filed by October 30, 2008.

On October 23, 2008 the government filed a response in opposition to the motion to dismiss, and on October 30, 2008 the defendant filed a reply to the response, once again requesting that the indictment be dismissed.

On November 10, 2008 oral argument was heard by the Court at a Motion Term in Albany. Having reviewed the papers submitted by the parties and after hearing oral argument, it is hereby,

ORDERED, that the Motion to Dismiss Indictment No. 08-CR-329, is denied, in all respects.

November 10, 2008
Binghamton, New York



HON. THOMAS J. MCAVOY
SENIOR U.S. DISTRICT COURT JUDGE
NORTHERN DISTRICT OF NEW YORK